

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SAB-02 L-03 INR-07 PM-05 SS-15
SP-02 OES-07 SMI-01 SSO-00 INRE-00 /057 W
-----040803 242251Z /73

O 242136Z AUG 77
FM AMEMBASSY PANAMA
TO SECSTATE WASHDC IMMEDIATE 3364

CONFIDENTIAL SECTION 1 OF 2 PANAMA 6095

EO 11652: GDS
TAGS: PBOR, CFED, SENV, PN, PQ
SUBJECT: TREATY NEGOTIATIONS - OTHER ACTIVITIES - SMITHSONIAN

REF: PANAMA 6066

1. PER REFTEL, FOLLOWING IS SUGGESTED DRAFT EXCHANGE OF NOTES
DESIGNATING STRI AS CUSTODIAN OF BCI RESERVE FOR LIFE OF CANAL
TREATY:

BEGIN QUOTE
EXCELLENCY:

I HAVE THE HONOR TO REFER TO THE AGREEMENT PURSUANT TO
ARTICLE VI OF THE CONVENTION ON NATURE PROTECTION AND
WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE, AND TO THE
PANAMA CANAL TREATY AND RELATED AGREEMENTS, BOTH SIGNED THIS
DATE BY REPRESENTATIVES OF THE UNITED STATES OF AMERICA AND
THE REPUBLIC OF PANAMA. ARTICLE III OF THE FORMER AGREEMENT
PROVIDES THAT OUR GOVERNMENTS AGREE FROM TIME TO TIME ON SUCH
ARRANGEMENTS AS MAY BE MUTUALLY CONVENIENT AND DESIRABLE TO
FACILITATE THEIR COLLABORATION IN THE USE OF THE BARRO COLORADO
NATURE MONUMENT FOR THE PURPOSES OF SCIENTIFIC RESEARCH
AND INVESTIGATION.

I PROPOSE THAT OUR GOVERNMENTS AGREE THAT THE SMITH-
SONIAN TROPICAL RESEARCH INSTITUTE (STRI), A TRUST IN-
STRUMENTALITY OF THE UNITED STATES OF AMERICA, BE
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DESIGNATED BY BOTH GOVERNMENTS AS CUSTODIAN OF THE BARRO
COLORADO NATURE MONUMENT. I PROPOSE THAT STRI SHALL
HAVE DURING THE PERIOD OF ITS CUSTODIANSHIP SOLE AUTH-
ORITY TO ACT FOR OUR GOVERNMENTS IN AUTHORIZING USE
OF THE NATURE MONUMENT FOR THE PURPOSES OF SCIENTIFIC
RESEARCH AND INVESTIGATION, AND FOR ITS PROTECTION AS
ENVISAGED IN THE CONVENTION ON NATURE PROTECTION AND

OUR AGREEMENT PURSUANT THERETO. IN THE EVENT EITHER GOVERNMENT PROPOSED TO TAKE ANY ACTION RELATED TO THE EFFICIENT OPERATION OF THE PANAMA CANAL AS PROVIDED FOR IN ARTICLE V OF OUR AGREEMENT, I PROPOSE THAT STRI, AS CUSTODIAN, BE ADVISED IN ADVANCE AND INVITED TO COMMENT ON THE POTENTIAL IMPACT OF SUCH ACTION ON THE OVERALL INTEGRITY OF THE NATURE MONUMENT.

I PROPOSE FURTHER THAT DURING THE PERIOD OF ITS CUSTODIANSHIP, STRI SHALL BE AUTHORIZED TO EMPLOY GAME WARDENS AS NECESSARY TO ENFORCE SUCH LAWS AND REGULATIONS AS MAY APPLY TO THE PROTECTION OF THE NATURE MONUMENT. PERSONS VIOLATING THE INTEGRITY OF THE NATURE MONUMENT CONTRARY TO THE PROVISIONS OF SUCH LAWS OR REGULATIONS SHALL BE PROMPTLY DELIVERED TO THE AUTHORITIES OF THE REPUBLIC OF PANAMA BY THE GAME WARDENS EMPLOYED BY STRI FOR APPROPRIATE ACTION UNDER THE LAWS OF THE REPUBLIC OF PANAMA.

I PROPOSE THAT OUR GOVERNMENTS AGREE THAT STRI SHALL REMAIN THEIR DESIGNATED CUSTODIAN FOR THE BARRO COLORADO NATURE MONUMENT UNTIL SUCH TIME AS THE PANAMA CANAL TREATY SIGNED THIS DATE SHALL TERMINATE, OR UNTIL SUCH TIME AS OUR GOVERNMENTS MAY MUTUALLY AGREE ON OTHER ARRANGEMENTS FOR THE ADMINISTRATION OF THE NATURE MONUMENT. IF SUBSEQUENT TO THE TERMINATION OF THE PANAMA

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CANAL TREATY THE REPUBLIC OF PANAMA SHOULD DESIRE TO TERMINATE THE CUSTODIANSHIP OF STRI OF THE NATURE MONUMENT, I PROPOSE THAT OUR GOVERNMENTS AGREE THAT SUCH TERMINATION SHALL BE EFFECTIVE ONE YEAR AFTER THE DATE ON WHICH THE REPUBLIC OF PANAMA SHALL INFORM THE UNITED STATES OF THIS INTENT.

IF THE FOREGOING ARRANGEMENT FOR CUSTODIANSHIP OF THE BARRO COLORADO NATURE MONUMENT BY STRI IS ACCEPTABLE TO THE GOVERNMENT OF THE REPUBLIC OF PANAMA, I PROPOSE THAT THIS NOTE AND YOUR EXCELLENCY'S AFFIRMATIVE RESPONSE TO IT CONSTITUTE AN AGREEMENT BETWEEN OUR GOVERNMENTS TO THIS EFFECT.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION. END QUOTE.

2. FOLLOWING IS SUGGESTED DRAFT EXCHANGE OF NOTES RELATING TO STRI OPERATIONS OTHER THAN BCI ON Isthmus, AND TO USE BY STRI OF LANDS AND WATERS:

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ACTION ARA-14

INFO OCT-01 ISO-00 SAB-02 L-03 INR-07 PM-05 SS-15

SP-02 OES-07 SMI-01 SSO-00 INRE-00 /057 W

-----040786 242251Z /73

O 242136Z AUG 77

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC IMMEDIATE 3365

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BEGIN QUOTE:

EXCELLENCY:

I HAVE THE HONOR TO REFER TO THE PANAMA CANAL
TREATY AND THE RELATED AGREEMENTS SIGNED THIS DATE BY
REPRESENTATIVES OF THE UNITED STATES OF AMERICA AND
THE REPUBLIC OF PANAMA, AND IN THAT CONNECTION TO
PROPOSE TO YOUR EXCELLENCY AN AGREEMENT BETWEEN OUR
GOVERNMENTS RELATING TO THE ACTIVITIES OF THE SMITH-
SONIAN TROPICAL RESEARCH INSTITUTE (STRI), A TRUST
INSTRUMENTALITY OF THE UNITED STATES OF AMERICA, IN
THE REPUBLIC OF PANAMA AFTER ENTRY INTO FORCE OF THAT
TREATY.

I REFER TO CONTRACT NO. 1, SIGNED ON JANUARY 5,
1977, BETWEEN THE DIRECTOR OF STRI AND THE MINISTER
OF HEALTH OF THE REPUBLIC OF PANAMA, AND PROPOSE THAT
OUR GOVERNMENTS AGREE THAT STRI CONTINUE TO OPERATE IN
THE REPUBLIC OF PANAMA AFTER ENTRY INTO FORCE OF THE
PANAMA CANAL TREATY PURSUANT TO THE PROVISIONS OF
THE CONTRACT, AND FOR THE PURPOSES DEFINED THEREIN. IN
THE EVENT EITHER PARTY DESIRES TO TERMINATE THAT CONTRACT
PURSUANT TO ITS CLAUSE SEVEN WHILE THE PANAMA CANAL TREATY
REMAINS IN FORCE, I PROPOSE THAT OUR GOVERNMENTS AGREE
THAT UNLESS THERE IS MUTUAL AGREEMENT ON AN ARRANGEMENT
TO REPLACE THAT CONTRACT, THE CONTRACT AND THIS AGREE-
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MENT SHALL REMAIN IN FORCE. IN THE EVENT EITHER PARTY

DESires to TERMINATE THE CONTRACT SUBSEQUENT TO THE EXPIRATION OF THE PANAMA CANAL TREATY, I PROPOSE THAT OUR GOVERNMENTS ENTER IMMEDIATELY INTO CONSULTATION TO REACH AGREEMENT ON THE FUTURE STATUS OF STRI, ITS FACILITIES, PROPERTY AND PERSONNEL IN THE REPUBLIC OF PANAMA PRIOR TO THE TERMINATION OF THE CONTRACT.

AS YOUR EXCELLENCY IS AWARE, STRI CURRENTLY CONDUCTS SCIENTIFIC ACTIVITIES IN A LARGE NUMBER OF FACILITIES AND IN AREAS OF LANDS AND WATERS IN VARIOUS PARTS OF THE Isthmus OF PANAMA. I PROPOSE THAT OUR GOVERNMENTS AGREE THAT THE FACILITIES, LANDS AND WATERS ENUMERATED AND DESCRIBED IN THE ANNEX TO THIS NOTE, LOCATED IN AREAS OF LANDS AND WATERS THE USE OF WHICH THE REPUBLIC OF PANAMA HAS NOT OTHERWISE MADE AVAILABLE TO THE UNITED STATES, SHALL BE MADE AVAILABLE BY THE REPUBLIC OF PANAMA FOR THE CONTINUED EXCLUSIVE USE OF STRI. THIS AGREEMENT SHALL NOT PREJUDICE THE RIGHT OF THE PARTIES TO THE CONTRACT TO AGREE AT A LATER DATE CONCERNING OTHER ARRANGEMENTS FOR USE BY STRI OF SUCH OTHER AREAS OF LANDS AND WATERS IN THE REPUBLIC OF PANAMA AS THE LATTER MAY CONSIDER DESIRABLE TO MAKE AVAILABLE TO STRI FOR THE PURPOSES DEFINED IN THE CONTRACT.

BY THE PANAMA CANAL TREATY AND THE RELATED AGREEMENTS SIGNED THIS DATE, THE REPUBLIC OF PANAMA GRANTS TO THE UNITED STATES THE USE OF AREAS OF LANDS AND WATERS DEFINED IN THOSE AGREEMENTS FOR THE PURPOSES DEFINED THEREIN. I PROPOSE THAT OUR GOVERNMENTS AGREE THAT SO LONG AS THE PANAMA CANAL TREATY REMAINS IN FORCE, THE UNITED STATES SHALL HAVE THE RIGHT TO GRANT TO STRI PERMISSION TO USE ANY AREAS OF LANDS AND WATERS,

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OR INSTALLATIONS LOCATED IN SUCH AREAS, FOR THE PURPOSES DEFINED IN THE CONTRACT, SUBJECT TO SUCH ADDITIONAL TERMS AND CONDITIONS CONSISTENT WITH THE PANAMA CANAL TREATY AS THE UNITED STATES MAY DEFINE. AT SUCH TIME AS THE RIGHT GRANTED TO THE UNITED STATES BY THE PANAMA CANAL TREATY TO USE ANY AREA OF LANDS AND WATERS, OR INSTALLATIONS, USED BY STRI MAY TERMINATE, I PROPOSE THAT OUR GOVERNMENTS ENTER IMMEDIATELY INTO CONSULTATION FOR THE PURPOSE OF REACHING AGREEMENT ON THE CONTINUED USE BY STRI OF SUCH AREAS OR INSTALLATIONS.

IN THE EVENT THE REPUBLIC OF PANAMA ESTABLISHES ANY MEANS WHEREBY ANY LEGAL OR NATURAL PERSON MAY ACQUIRE TITLE UNDER THE LAWS OF THE REPUBLIC OF PANAMA TO ANY AREAS OF LANDS AND WATERS, AND/OR TO REAL

PROPERTY LOCATED THEREON, WHICH FORMED PART OF THE CANAL ZONE PRIOR TO ENTRY INTO FORCE OF THE PANAMA CANAL TREATY, I PROPOSE THAT OUR GOVERNMENTS AGREE THAT THE REPUBLIC OF PANAMA SHALL ACCORD TO STRI THE RIGHT TO ACQUIRE TITLE TO ANY AREAS OF LANDS AND WATERS AND/OR TO ANY OTHER REAL PROPERTY WHOSE USE IT MAY ENJOY AT THE TIME SUCH MEANS ARE ESTABLISHED. THIS RIGHT SHALL BE ACCORDED BY THE REP. OF PANAMA SUBJECT TO AN ARRANGEMENT NOT LESS FAVORABLE THAN THE MOST FAVORABLE ARRANGEMENT ACCORDED BY THE REPUBLIC OF PANAMA TO ANY OTHER SUCH LEGAL OR NATURAL PERSON.

I FURTHER PROPOSE THAT IN THE EVENT NO SUCH ARRANGEMENTS FOR THE TRANSFER OF LEGAL TITLE TO AREAS OF LANDS AND WATERS, OR OTHER REAL PROPERTY LOCATED THEREON, TO LEGAL OR NATURAL PERSONS OTHER THAN THE GOVERNMENT OF THE REPUBLIC OF PANAMA IS ESTABLISHED, OUR GOVERNMENTS AGREE THAT THE AREAS WHICH ARE DEFINED HEREIN, OR SUCH OTHER AREAS AS MAY BE USED BY STRI FOR THE PURPOSES DEFINED IN THE CONTRACT, SHALL CONTINUE TO BE MADE AVAILABLE BY THE REPUBLIC OF PANAMA TO STRI WITHOUT COST EXCEPT IN SUCH CASES AND UNTIL SUCH

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TIME AS OUR GOVERNMENTS, OR THE PARTIES TO THE CONTRACT, MAY OTHERWISE MUTUALLY AGREE.

IF THE FOREGOING ARRANGEMENT CONCERNING THE OPERATION IN THE REPUBLIC OF PANAMA OF THE SMITHSONIAN TROPICAL RESEARCH INSTITUTE IS SATISFACTORY TO THE GOVERNMENT OF PANAMA, I PROPOSE THAT THIS NOTE AND YOUR EXCELLENCY'S AFFIRMATIVE RESPONSE TO IT CONSTITUTE AN AGREEMENT BETWEEN OUR GOVERNMENTS TO THIS EFFECT.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCE OF MY HIGHEST CONSIDERATION. END QUOTE.

JORDEN

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SPECIES PROTECTION, AGREEMENT DRAFT, NEGOTIATIONS
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Decapton Date: 01-Jan-1960 12:00:00 am
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
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Drafter: n/a
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Original Classification: CONFIDENTIAL
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Secure: OPEN
Status: NATIVE
Subject: TREATY NEGOTIATIONS - OTHER ACTIVITIES - SMITHSONIAN
TAGS: PBOR, CFED, SENV, PN, PQ, US
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vdkgvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/ad2d1054-c288-dd11-92da-001cc4696bcc
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